

Donlin Mitigation Plan Review

Reviewers: Jamie Hyslop (JH), Linda Speerstra (LS), Randy Vigil (RV), Jason Berkner (JB)

Comment #	Section Page #	Comments	Response from Donlin
1 (LS)	Avoidance Page 3	Give the basic description of project site delineated with acres wetlands vs. acres uplands and what acreages were avoided through project design and construction plans. Include watershed avoidance along with streams (essentially quantify be specific vs. general)	The overall wetland and upland acres in the Mine Area (where impacts are concentrated) have been incorporated into the text. However, per many earlier discussions with USACE staff, Donlin Gold has not provided nor been tracking quantitative determinations or descriptions of avoidance for each specific Project component design change over the past 10 years plus. Hence, we are unable to provide a concise quantity of avoided wetlands at this time.
2 (LS)	Tailings Storage Facility p6	In WRF avoidance of the Anaconda Valley was documented - The TSF uses the Anaconda Valley therefore impacting the WOUS - This contradicts avoidance used as rationale for the WRF. Either correct or provide additional rationale to support avoidance in the Anaconda Valley	The text clarified to indicate that impacts from waste rock management avoided Snow Gulch and the Anaconda Valley. The TSF is located in a single valley rather than being split between 2 drainages. Note included indicating that it is not feasible to locate both the WRF and TSF in a single valley.
3 (LS)	Material Sites p6	The WRF documented avoidance of Snow Gulch - the materials site discussed impacts to Snow Gulch - how many material sites are identified? "although some material sites are in WOUS" How many impact WOUS. This section only describes Snow Gulch and should be expanded to include all WOUS impacted and avoided or minimized.	No changes made to text. See Response to Comment 1. Per discussion with USACE, Donlin Gold has not described and tracked avoidance and minimization for every specific facility and project component over the decade plus of project design alternatives and project modifications that have occurred.
4 (LS)	Laydown Pads p8	quantity reduces the need for temporary long-term equipment and material storage at the proposed Jungjuk Port (quantify). How much impacts have been avoided or minimized?	See Response to Comment 1. Text clarified to generally compare the limited overall disturbance at the Port Site where wetlands are prevalent adjacent to the river versus the widespread disturbance in the MA and availability of upland areas closer to the mine facilities.
5 (LS)	Facilities Co-located p 8	Anaconda drainages (see comment on the TSF)	No changes made to text. See Response to Comment 2. It is not feasible to locate both the WRF and TSF in a single valley.
6 (LS)	Vegetation Clearing p9	Has USFWS provided specific guidance for this project - (best as possible) isn't conclusive. For consideration of other vegetation minimization narratives.	The USFWS service guidance is just that - guidance. Donlin will schedule brush clearing activities to avoid the sensitive windows as described. If a situation arises where that is not practicable, additional measures will be taken to visually clear the area before brushing (see text on page 9 that describes these additional measures if clearing is required outside of the normal clearing window). No changes made to text.
7 (LS)	Erosion Control p 9	Recommend including a reference to the State 401 water quality certification.	Text modified to address in Final CMP.
8 (LS)	Development of Material Sites p9/10	see comment #2 concerning Anaconda watershed under TSF - Monumented may not be high visibility - using stakes and flagging may be more appropriate - appropriate offsets (provide distance)	Language added to include staking and flagging.
9 (LS)	Material sites p10	access roads will be removed or reclaimed (is reclaimed a natural succession of vegetation) May want to include specifics for culvert removal/etc. Consider included in the following material site minimization actions. For consideration of other material site minimization narratives.	We added a commitment to culvert removal in the text. Keep in mind - material site mine activities would be authorized by ADNR and require a reclamation plan for each individual material site. We are not requesting mitigation credits under this CMP so no additional reclamation information is provided.

Donlin Mitigation Plan Review

Reviewers: Jamie Hyslop (JH), Linda Speerstra (LS), Randy Vigil (RV), Jason Berkner (JB)

Comment #	Section Page #	Comments	Response from Donlin
10 (LS)	Placement of facilities p12	quantify (limit the number of watershed disturbed)	Text was added in an attempt to quantify the number of watersheds (3) for the transportation facilities.
11 (LS)	Vegetation clearing p17	see comment #6 above.	The USFWS service guidance is just that - guidance. Donlin will schedule brush clearing activities to avoid the sensitive windows as described. If a situation arises where that is not practicable, additional measures will be taken to visually clear the area before brushing (see text on page 9 that describes these additional measures if clearing is required outside of the normal clearing window). No changes made to text
12 (LS)	Erosion Control p17	see comment #7 above.	Text modified to address in Final CMP.
13 (LS)	Development of Material site p17	Monumented may not be high visibility - using stakes and flagging may be more appropriate - offset between overburden berms and active pits (provide distance)	Monumenting is marking with stakes and flags. Text has been clarified. Also clarified material testing by adding text to the bullet prior to this. Text was added to the bullet 2 after this to clarify the intended buffer distance.
14 (JH)	pg 22, bullet # 2 Avoidance and Minimization	Temporary mats proposed for the Cook Inlet would require Section 10 permitting. What are the size and footprint of the mats? Mats should be described so we can include them for consideration of any permits.	This is incorrect. The barge landing is active and operated by others. They don't use mats at the existing barge landings that Donlin is aware of (which are the ones we would use). Language has been added clarifying these are existing operations providing the service to the area.
15 (JH)	pg 22, bullet # 4	Is Donlin proposing to restore/create wetlands at material sites 1, 38, and 41? If so, identify how much and include in the compensatory mitigation piece of Donlin plan.	These would be restored as wetlands but they are not proposed for compensatory mitigation plan. We offer these commitments as past of our projects commintment to minimize impacts. In part, this is because we cannot establish a long-term site protection instrument due to land ownership (state or federal lands). Therefore, they are not included as mitigation in the Final CMP but the impacts are accounted for and mitigated elsewhere.
20 (LS)	Pg 26, Erosion Control Measures.	add that the mats will be removed or leap frogged method and then removed also see comment #7.	Text modified to address 401 Certification and mat use.
16 (LS)	Pg 12, 4.0, Wetland fill Impact activities	Throughout the CMP change non-jurisdictional impacts to non-regulated. The Corps still have jurisdiction over the WOUS but we do not regulate the specific activity.	Text changed in Final CMP.
17 (JH)	5.0, Evaluation of Comp	Include proposed credits from mitigation bank and rationale supporting proposed credits to be purchased. Use the instrument from the bank proposed to be used.	Donlin Gold requested credit offers from both the SuKnik Bank and Great Land Trust for the 5.0 acres of permanent fill wetland impacts in their service areas. Based on the responses, Donlin Gold has reserved 9.8 mitigation credits from the GLT mitigation program that will be purchased prior Project construction. Text has been added to the Final CMP in a number of sections to provide this information.
18 (RV)	Section 5.0 Page 21	"single prospects where development is limited in acres and stream miles (not at the watershed level as preferred by the Rule)" Not sure what this is getting at.	Text has been modified and added to clarify this language and further indicate why these sites did not represent viable compensatory mitigation options.
19 (RV)	Section 5.0 Page 26	The term "perpetuity" is used. I think if "long term" is preferred then it should be used throughout the document.	Text changed in Final CMP.
21 (LS)	Pg 28-29, CMP, Tuluksak/Nyac District	Consider can be made for stream credits - no mention of cost although it appears the site is under active lease.	Text changed to clarify active lease status in Final CMP.
22 (LS)	Pg 30 Fuller Creek	define well in excess of current value	Text changed to clarify "well in excess" referring to several multiples above market value in Final CMP.

Donlin Mitigation Plan Review

Reviewers: Jamie Hyslop (JH), Linda Speerstra (LS), Randy Vigil (RV), Jason Berkner (JB)

Comment #	Section Page #	Comments	Response from Donlin
23 (RV)	Section 5.0 Page 31 Flat/Iditarod Mining District	Section 106, NHPA issues? Would compliance with Sec. 106 increase costs or cause logistical problems? What about engineering? Can this be fleshed out?	Additional detail included regarding concerns over reclaiming areas with numerous eligible historic properties.
24 (LS)(JH)	PG 39 6.0, Compensatory Mitigation	Compensatory Mitigation 2. uses floodplain reference - please change to HGM type throughout document 1- add language implementation of preservation will be secured prior to construction 33 CFR 332.3(m)	Throughout the CMP and Attachment D, language has modified to reflect wetlands rather than floodplains. Also language added to reflect that preservation will be secured prior to the start of construction
25 (LS)(JH)	Pg 40, 6.0, Summary Crooked	Provide rationale for distance on buffers. See language in 332.3(h)(2) ...to ensure long-term viability. How will the buffers proposed protect the aquatic resource and how are they necessary for the ecological functioning of that resource.	Text changed to clarify the rationale for the Upper Crooked Creek buffer areas.
26 (JH)	pg 59, Table 23	Palustrine Emergent wetland type numbers do not correlate with narrative in paragraph 3 of the same page. Narrative states "...this would be limited to a 3.6 percent loss with the gain of 119.7 acres of palustrine emergent...", and the table gives 19.7 acres with a -3.2 (loss). Please rectify inconsistent numbers.	It is not actually feasible to differentiate the specific numbers for palustrine emergent versus palustrine forested/palustrine scrub-shrub wetlands. Therefore, the language addressed by the comment has been deleted
27 (JH)	pg 64, 8.0, Ratio	Include a table identifying impacts and mitigation broken out by wetlands (HGM) and streams so that it can be clearly understood how the ratio breakdown.	Tables 12 and 13 in Section 6.0 summarize the impacts and mitigation by HGM type and streams, although specific ratios for each classification have not been provided. HGM classes have been added to tables throughout document as well in response to this comment.
28 (JH)	Mine Area Restoration Attachment C	This appears to be part of the reclamation plan for the State and should not be included in the compensatory mitigation for the Corp - It is not factored in as part of the mitigation ratio and therefore should be removed. I recommend including this as part of the minimization of impacts. If there are components of this plan that are beyond State requirements we can discuss.	In the Final CMP, the Mine Area Restoration is no longer proposed as compensatory mitigation. Donlin Gold has retained the information describing how parts of the MA and TA material sites will be restored as wetlands at closure as part of the project minimization efforts (see detailed plans in Attachments C and F).
29 (RV)	Attachment C, Site Selection Criteria, Page C4	WRF & TSF cannot be restored. Can reasoning be added to the narrative?	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed. The volume of materials stored in these facilities from mining for 27 years can not practicably be removed to restore the wetlands that exist today under these facility footprints.
30 (RV)	Attachment C, Figure 1 Wetland Impact Restoration Areas, Page C5	At our last meeting with Donlin Gold it was considered appropriate to acquire and preserve the land encompassing the restoration sites. Has that been explored?	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed. However, the preservation areas around the UCC restoration areas has been expanded to connect these areas to the main stem.
31 (JH)	pg C12, Site Protection	Conservation easement shall be a component of the Compensatory Mitigation Plan and recorded within 30 days of permit issuance or 30 days prior to construction. We can discuss further.	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed. For Upper Crooked Creek (Attachment D), as discussed with USACE, the site protection instrument (i.e., deed restriction) will be in place prior to the start of restoration activities.
32 (RV)	Attachment C, Site Protection Instrument, Page C12	Need to know what the site protection method would be. Need a description of the legal arrangements and instrument, including site ownership, that will be used to ensure the long-term protection of the compensatory mitigation project site (see Section 332.7(a)).	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed.

Donlin Mitigation Plan Review

Reviewers: Jamie Hyslop (JH), Linda Speerstra (LS), Randy Vigil (RV), Jason Berkner (JB)

Comment #	Section Page #	Comments	Response from Donlin
33 (JH)	pg C13, Bullet top of pg	How will this protection requirement be met if the restriction would occur outside of the restoration/protection area?	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed.
34 (JH)	pg C33, Monitoring	Monitoring reports should be submitted to USACE annually. Identify when they would be submitted.	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed. Note that in Attachments D and E, the revised language related to the long-term management plan, including monitoring, was reviewed and accepted by USACE.
35 (JH)	pg C34, Long-term	Long term management is the responsibility of the applicant/permittee.	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed. Note that in Attachments D and E, the revised language related to the long-term management plan was reviewed and accepted by USACE.
36 (RV)	Attachment C, Long-term Management Plan, Page C34	It is stated in this section that the site protection instrument will be a deed restriction. In other parts of the document it's stated that instrument is to be determined at a later date. See comment 31 above.	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed. For the Upper Crooked Creek and Chuitna Preservation PRM, deed restrictions are proposed as the site protection instruments (as accepted by USACE).
37 (JH)	pg C35, Financial	Financial Assurances should comply with the mitigation rule.	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed.
38 (RV)	Attachment C, Financial Assurances, Page C36	I don't think Donlin Gold's proposal to link the CMP financial assurances to the ADNR & ADEC financial assurance is a bad idea, however, I think that what will be necessary is a formal, documented commitment from those State agencies that this CMP would be completed the State reclamation bond system. Also, there needs to be some kind of indication that there would be sufficient funds to implement the CMP.	Since the MA restoration is no longer proposed for compensatory mitigation, this comment was not specifically addressed.
39 (JH)(RV)	pg D9, Site Protection	".....long-term protection mechanism used for site protection of PRM must be approved by the DE in advance of, or concurrent with, the activity causing the authorized impacts. " (332.7(a)(5)). The Site Protection Instrument section states that Donlin Gold will supply a detailed site protection instrument acceptable to USACE in advance of restoration activities. The Rule states in advance or concurrent with the authorized impacts. I recommend the instrument be provided to USACE as a part of the CMP. See also comment #31 above as it pertains to Attachment D as well.	See response to Comment 31. Donlin has comitted to submital of the recorded site protection instruments prior to construction.
40 (JH)	pg D10, Bullet top of pg	same comment as on pg C13. How will this protection requirement be met if the restriction would occur outside of the restoration/protection area?	Text was modified in the Final CMP to reflect that this prohibition applies to the buffer areas covered by the site protection instrument.
41 (JH)	pg D18, Determ. Credits	Table identifies Re-establishment of floodplain habitat. There should be a specific amount of wetlands identified to be restored. Floodplain habitat can mean many things. From my reading Donlin does not propose any Wetland mitigation from the Crooked Creek PRM plan. The Corps does not give credit to floodplain habitat in general so this must be identified as wetland or streams.	Addressed in Final CMP, see Response to Comment 24.

Donlin Mitigation Plan Review

Reviewers: Jamie Hyslop (JH), Linda Speerstra (LS), Randy Vigil (RV), Jason Berkner (JB)

Comment #	Section Page #	Comments	Response from Donlin
42 (LS)	Determination of Credits D18	Add language that the credits align with 332.3(f) - Essentially summarize that a functional or condition assessment was not approved by the Corps and ____ was used. A minimum of one-to-one acreage or linear foot compensation ratio was used. Reference 8.0 of CMP.	No changes made to the Text. Because a functional or condition assessment was not approved by the Corps, Donlin Gold is using permanent impacts to wetlands (in acres) and streams (in linear feet) to determine that the compensatory mitigation ratios are at least 1:1 per 33 CFR 332.3(f). Reference the CMP, Section 8.0 (first paragraph) for a summary of the proposed compensatory mitigation ratios.
43 (LS)(JH)	D18	The buffer... Give the range of the buffer - It states here typically 100 feet and follows to say it's expanded downstream. Clearly explain use of buffer as commented above on pg 40, 6.0 of CMP.	See Response to Comment 25.
44 (JH)	pg D19, vegetation	The final re-vegetation design plan should be included in the CMP for Corps evaluation for permit.	Additional information has been added to Attachment D to address revegetation plans, monitoring, and performance standards. Per discussions with the Corps, the final revegetation plan will be included in the Final Design to be submitted and accepted by USACE prior to initiating restoration work.
45 (LS)	Quartz Gulch D23	results discuss functional restoration of fish - the performance measures need to be added - temperature too along with water flows	Substantial revisions have been made to the Performance Standards section of the Final CMP, including specific standards for each restoration area. Draft language was reviewed by USACE prior to inclusion in the Final CMP.
46 (LS)	Snow Gulch D28	results discuss increase in productive pond habitats off channel rearing temperatures, etc. Performance measures need to be added	See response to Comment 45.
47 (LS)	Ruby & Queen D33	same comment as above	See response to Comment 45.
48 (JH)	Appendix D	All components state restoration work is subject to "Final Design Refinement". When will final design refinement be complete and could the refinement result in less restoration being completed. This CMP is intended to be the final CMP which would be approved as a part of any permit the Corps may issue. What is expected or could change as a result of the final refinement?	See response to Comment 44. Additional detail has been provided in the Final CMP regarding the process by which the Final Design will be prepared, and submitted to and approved by USACE at least 6 months prior to initiation of restoration work. This approach was agreed upon in discussions with USACE staff.
49 (JH)(LS)	pg D34, Perform Stand.	States that the performance standard parameter numbers will be approved by USACE prior to construction. These should be included in the Final CMP. Performance standards need to include specific measurable metrics for fish, wetland creation, and stream creation. What design criteria performance standard would be built.	See response to Comment 45.
50 (JH)	pg D35, Monitoring	All monitoring must be completed annually for a minimum of 5 years. 3 consecutive years of meeting the performance standards must be met before monitoring can cease. Date needs to be cited.	Text has been modified in the Final CMP to reflect the comment.
51 (LS)	Monitoring D36	include fish/temp/water flow set dates when reports will be submitted and to whom	The Final CMP includes extensive stream channel, vegetation, and biological monitoring. Draft language was submitted to the USACE for review and acceptance prior to Final CMP submittal. The Final CMP also describes how the monitoring data will be documented and made available to USACE. Annual monitoring is also included in the Long-term Management Plan.
52 (LS)	Long term Management D37	Site protection instrument is a component of the CMP	The language in the Final CMP reflects discussions with USACE regarding the type (deed restriction) and expected provisions of the site protection instrument, which by agreement will be in place prior to the start of restoration work.

Donlin Mitigation Plan Review

Reviewers: Jamie Hyslop (JH), Linda Speerstra (LS), Randy Vigil (RV), Jason Berkner (JB)

Comment #	Section Page #	Comments	Response from Donlin
53 (LS)	Adaptive Management D37	This section needs to include language that consultation with the Corps will occur to discuss adaptive management process	Text modified to incorporate this into the Final CMP.
54 (JH)(LS)	pg D38, Financial Assurance	Financial assurances rationale must be provided in the final CMP for USACE approval. See also comment number 37 above as it pertains to Attachment D as well.	The Financial Assurance section of Attachment D was expanded specifically, including providing a preliminary estimate of the costs; acknowledging these will not be finalized until the Final Design is completed. The expanded discussion specifically addresses how the approach complies with USACE regulations and guidance.
55 (JB)	Pg E6	First bullet point needs to be rephrased. Are you saying the wetlands/streams/uplands contributes success and sustainability to the watershed?	The text has been modified in the Final CMP.
56 (JB)	Pg E11	re: Table 5 reference to 18.3 acres of Ocean. Does TNC have title to this area, and have ability to record a real-estate easement over it? Is this state tidelands?	The comment is correct and the State tidelands have been removed from the Preservation Area.
57 (JB)	Pg E13	Rephrase to clarify- "This protection provides a diversity of habitat, vegetation types, and terrestrial and aquatic resources within uplands and wetlands while protecting anadromous waters."	The text has been modified in the Final CMP.
58 (JB)(JH)(RV)	pg E31, Site Protection	Inadequate property description for site protection instrument. A meets and bounds survey must be completed and included in the conservation easement. A conservation Easement and not a deed restriction must be used. There also needs to be a 3rd party holder to monitor and enforce the conservation easement.	The Long-term Management Plan Section was expanded significantly and specifically addresses conducting a survey and use of a third-party contractor to oversee implementation of site protection instrument. A draft of this Section was reviewed by USACE prior to Final CMP submittal. Per discussions with USACE, the proposed use of deed restrictions is acceptable.
59 (JH)	pg E31, Site Protection	Instrument should be a Conservation Easement", not a Deed Restriction. Additionally, the third party should be identified. This type of detail must be included in the Final CMP.	See Response to Comment 58.
60 (JB)	Pg E32 Prohibitions (C)	presence of any existing structures should be disclosed	The Final CMP includes a discussion of all existing disturbance in the Preservation Area - based on a survey conducted during the wetland field mapping in June 2018.
61 (JB)	Pg E32 Reserved Rights	presence of any existing roads/trails/etc. should be disclosed	See Response to Comment 60.
62 (JB)	Site protection general comment	applicant should be provided a copy of an acceptable site protection document and it should be made a part of the final CMP. It can be modified based on Corps requirements.	See Response to Comment 52.
63 (JB)	E40-E41, starting with Mitigation work Plan, and continuing	Components not satisfactorily addressed; plan incomplete. We had previously communicated this to applicant and suggested they look at approved mitigation projects on RIBITS for examples on how to address these components with regard to preservation. See examples provided.	Each of the cited sections has been revised in both Attachments D and E based on extensive discussions with USACE staff, see many of the Comment Responses above.